

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID NUYANNES, :
Plaintiff, : CIVIL ACTION
v. :
NICHOLE THOMPSON, ESQUIRE, :
SCOTT GALLOWAY, ESQUIRE; and :
JOHN DOES 1-10, :
Defendants. : NO. 11-2029

ORDER

AND NOW, this 27th day of *March*, 2012, upon consideration of Defendant Scott Galloway, Esquire's Motion to Dismiss (Docket No. 40), Defendant Nichole Thompson, Esquire's Motion to Dismiss (Docket No. 41), and Plaintiff Nuyannes's Consolidated Response to both Motions (Docket No. 44), it is hereby **ORDERED** as follows:

1. Defendants' Motions to Dismiss Count I of the Amended Complaint are **DENIED**;
2. Defendants' Motions to Dismiss Counts II, III, and IV of the Amended Complaint are **GRANTED WITHOUT PREJUDICE**;
3. Plaintiff shall have twenty (20) days from the date of this Order to file a Second Amended Complaint correcting any of the pleading deficiencies identified in the Court's accompanying Memorandum Opinion. Plaintiff's failure or inability to correct such errors shall, upon proper motion by Defendants, result in dismissal of any still-deficient claims.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.